

## **REMARKS**

The above-referenced patent application has been reviewed in light of the Office Action, dated **February 6, 2006** ("Action"), in which claims 1-12, 14-28 and 30-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stracovsky et al. (US Patent 6,378,049 "Stracovsky") and claims 13, 29 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stracovsky in view of Nishikado et al. (US PGPub 2002/0052798 "Nishikado").

### **Current Status of Claims:**

With this amendment, claims 1-37 remain pending. Applicants offer to amend claims 1-13, 15, 16 and 18-29 and 31-37 as presented above. Additionally, Applicants have added new claims 38-40. Support for these new claims and the amendments presented above can be found in the original specification, claims and/or figures. No new matter has been introduced.

### **Claim Rejection – 35 U.S.C. § 102(b):**

Claim 1, as currently amended, is as follows:

"A method comprising:  
*determining a characteristic of a memory request*, based on a page management indicator associated with the memory request;  
and  
*selectively leaving an accessed memory page open after a memory access* based, at least in part, on the characteristic of the memory request."

Emphasis added.

Stracovsky does not describe the above elements of claim 1. Stracovsky describes a way to determine a state of memory resources that are shared in a system. This determination is made by a universal controller (104) that bases its determination, at least in part, on *shared resource*

operational characteristics for those memory resources. See Col. 5, lines 39-44. Further, whether a memory page is open is an example operational characteristic that Stracovsky describes for the shared memory resource. This operational characteristic is indicated via a resource tag (310). See Col. 5, lines 35-34. First, contrary to Examiner's remarks in the Action, the characteristic is a characteristic of the shared resource (e.g., open memory page) and not of the memory request as cited above in claim 1. Second, the resource tag described by Stracovsky just indicates how a memory page was treated in the past and indicates nothing about how the memory page is treated after a memory access as cited above in claim 1. As a result, Applicants request that the 35 U.S.C. § 102(b) rejection of claim 1 be withdrawn.

Independent claims 15, 20, 23 and 31 also include similar elements to those emphasized above in claim 1. Additionally, claims 2-14, 16-19, 21, 22, 24-30 and 32-37 depend from one of independent claims 1, 15, 20, 23 and 31. Thus, Applicants request that the 35 U.S.C. § 102(b) rejections of independent claims 15, 20, 23 and 31 and dependent claims 2-14, 16-19, 21, 22, 24-30 and 32-37 be withdrawn.

**Claim Rejection - 35 U.S.C. § 103(a):**

On page 11 of the Action, claims 13, 29 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stracovsky and further in view of Nishikado.

As mentioned above for independent claims 1, 15, 20, 23 and 31, the cited reference of Stracovsky fails to describe all the elements of these independent claims. Further, the Action does not cite Nishikado to cure any of the above stated deficiencies in Stracovsky and Applicants submit that Nishikado fails to cure any of these deficiencies. Since claims 13, 29 and 37 depend

from independent claims 1, 23 and 31, Applicants request that the 35 U.S.C. § 103(a) rejection of claims 13, 29 and 37 be withdrawn.

**Conclusion**

Applicants submit that claims 1-40, as currently amended, are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,  
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Date: June 6, 2006

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6/5/2006  
Date